

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACE R. YZAGUIRRE,
Plaintiff,

-v-

DAVE LEVIN, *et al.*,
Defendants.

24-CV-1500 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On May 16, 2025, *pro se* plaintiff Jace Yzaguirre filed a motion seeking the Court’s permission to “maintain” his in forma pauperis status on appeal to the United States Court of Appeals for the Second Circuit. (ECF No. 85.) Noting that Yzaguirre had not been previously authorized to proceed in forma pauperis, the Court directed him to file an affidavit or sworn declaration compliant with Federal Rule of Appellate Procedure 24(a)(1). (ECF No. 86.) Yzaguirre responded that, because he was granted leave to proceed in forma pauperis in state court—from where this action was removed—he need not submit any affidavit or sworn declaration. (ECF No. 87.) That is not a correct reading of the Federal Rules. Nevertheless, the Court construes Yzaguirre’s submissions indicating that he is unemployed (*id.*) and has no assets (ECF No. 85) as satisfactory of the requirements of Rule 24(a)(1). *See also* 28 U.S.C. § 1746(1) (permitting sworn declarations in place of affidavits); *Edwards v. Arocho*, 125 F.4th 336, 348 (2d Cir. 2024) (declining to disturb a district court’s acceptance of a substantially compliant *pro se* declaration pursuant to 28 U.S.C. § 1746).

Accordingly, Yzaguirre’s request to proceed in forma pauperis is GRANTED.

SO ORDERED.

Dated: May 27, 2025
New York, New York


J. PAUL OETKEN
United States District Judge